

1 **ANDERSEN & BEEDE, LLC**

2 Michael N. Beede, Esq.

3 Nevada Bar No. 13068

4 Email: *mike@aandblaw.com*

5 3199 E. Warm Springs Rd., Ste. 400

6 Las Vegas, Nevada 89120

7 Phone: 702-522-1992

8 Fax: 702-825-2824

9 *Counsel for Plaintiff*

10 **UNITED STATES DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 GF INVESTMENTS LLC,

13 Plaintiff,

14 v.

15 NATIONSTAR MORTGAGE LLC D/B/A/  
16 MR. COOPER; RIVERSOURCE LIFE  
17 INSURANCE COMPANY; JOSEPH A.  
18 ALBANO; DEBRA M. ALBANO; and  
19 DOES 1 through 10, inclusive; ROE  
20 CORPORATIONS 1 through 10, inclusive,

21 Defendants.

22 CASE NO. 2:23-cv-00145-APG-VCF

23 **STIPULATION AND ORDER  
24 REGARDING DEFENDANTS JOSEPH  
25 A. ALBANO'S AND DEBRA M.  
26 ALBANO'S INTEREST IN REAL  
27 PROPERTY AND DISMISSAL WITH  
PREJUDICE**

28 Plaintiff, GF Investments LLC (hereafter "Plaintiff") and Defendants Joseph A. Albano  
29 and Debra M. Albano (hereafter, collectively "Defendants"), by and through their respective  
30 undersigned counsel hereby stipulate as follows:

31 1. Plaintiff alleges it is the record owner of that certain real property commonly  
32 known as 10809 Garden Mist Drive, #2058, Las Vegas, NV 89135 and bearing Clark County  
33 Assessor's Parcel Number 164-13-217-052 (hereinafter, "The Property").

34 2. Defendant Joseph A. Albano acquired an interest to The Property by way of a  
35 Quitclaim Deed, recorded on October 14, 2003 with the Clark County Recorder's office as  
36 Instrument No. 20031014-02809.

1       3.     On January 3, 2006, Defendants Joseph A. Albano and Debra M. Albano recorded  
2 a Quitclaim Deed conveying interest to the Property to Joseph A. Albano and Debra M. Albano  
3 as husband and wife with the Clark County Recorder's office as Instrument No. 20060103-  
4 0002202.

5       4.     On November 28, 2012, Red Rock Financial Services purportedly conducted an  
6 HOA foreclosure sale of the Property. A Foreclosure Deed (the "HOA Foreclosure Deed") was  
7 recorded on December 21, 2012 as Instrument No. 201212210002998 in the Official Records of  
8 Clark County, Nevada conveying the property to Garden Terrace Homeowners Association.

9       5.     Title to the Property was conveyed to Plaintiff by way of a Quitclaim Deed,  
10 recorded on October 27, 2020 with the Clark County Recorder's office as Instrument No.  
11 20201027-0001740.

12       6.     On December 7, 2022, Plaintiff filed a Complaint for Quiet Title (hereinafter the  
13 "Action"), seeking a declaration that Plaintiff owns the Property free and clear of all liens and  
14 encumbrances of each of the named defendants in the Action.

15       7.     The HOA Sale evidenced by Clark County Recorder's Instrument No.  
16 201212210002998 extinguished any interest in the Property previously held by Joseph A.  
17 Albano and Debra M. Albano.

18       8.     On February 16, 2023, Defendants Joseph A. Albano and Debra M. Albano filed  
19 a Motion to Dismiss the Complaint (the "Motion") based upon Federal Rules of Civil Procedure  
20 12(b)(6) and 12(b)(2). The Motion is currently pending before this Honorable Court.

21       9.     In consideration for dismissal with prejudice of all claims asserted by Plaintiff in  
22 the Action in their entirety, Joseph A. Albano and Debra M. Albano hereby disclaim any present  
23 right, title, estate, lien, claim, or interest in The Property located at 10809 Garden Mist Drive,  
24 #2058, Las Vegas, NV 89135 and bearing Clark County Assessor's Parcel Number 164-13-217-  
25 052, including without limitation, any interest associated with Instrument No. 20060103-  
26 0002202.

27



1       10. Plaintiff's claims against Defendants Joseph A. Albano and Debra M. Albano  
2 shall be dismissed in their entirety, and with prejudice.

3       11. Each Party shall bear their own attorney's fees and costs.

4       Dated this 28th day of February, 2023.

5       ANDERSEN & BEEDE, LLC

6       /s/ Michael Beede

7       Michael Beede, Esq.  
8       Nevada Bar No. 13068  
9       3199 E Warm Springs Road, Suite 400  
10      Las Vegas, NV, 89120

11      *Attorney for Plaintiff, GF Investments LLC*

12      Dated this 28th day of February, 2023.

13      TALG, NV, LTD.

14      /s/ Marian L. Massey

15      Ismail Amin, Esq.  
16      Nevada Bar No. 9343  
17      Marian L. Massey, Esq.  
18      Nevada Bar No. 14579  
19      5852 S. Durango Dr., Suite 105  
20      Las Vegas, NV 89113  
21      *Attorneys for Defendants Joseph A.*  
22      *Albano and Debra M. Albano*



## ORDER

The Court, having reviewed the foregoing Stipulation of the parties, and good cause appearing, the Stipulation is hereby **GRANTED**.

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Defendants Joseph A. Albano's and Debra M. Albano's right, title, estate, lien, claim, or interest in the Property located at 10809 Garden Mist Drive, #2058, Las Vegas, NV 89135 (Clark County Assessor's Parcel Number 164-13-217-052) is extinguished and the Defendants shall be hereafter barred and enjoined from asserting any right, title, estate, lien, interest or claim, thereto.

**IT IS FURTHER ORDERED** that the Defendants Joseph A. Albano and Debra M. Albano shall be dismissed from the Action with prejudice, with each Party to bear their own attorney's fees and costs.

**IT IS FURTHER ORDERED** that the Motion to Dismiss filed by Defendants Joseph A. Albano and Debra M. Albano on February 16, 2023 is hereby denied as moot.

## IT IS SO ORDERED:

Dated: March 1, 2023

  
ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE